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7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10

11 In the Matter of ) FPPC No: 05/366  
12 )  
13 )  
14 JOSEPH GRAHAM DAVIS, JR.; ) STIPULATION, DECISION and  
15 CALIFORNIANS AGAINST THE COSTLY ) ORDER  
16 RECALL OF THE GOVERNOR ET AL.; J. )  
17 ARI SWILLER; and STEPHEN J. KAUFMAN )  
18 Respondents. )  
19 )

20 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,  
21 and Respondents Joseph Graham Davis, Jr., Californians Against the Costly Recall of the Governor et  
22 al.,<sup>1</sup> J. Ari Swiller, and Stephen J. Kaufman hereby agree that this stipulation will be submitted for  
23 consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

24 The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this  
25 matter, and to reach a final disposition without the necessity of holding an administrative hearing to  
26 determine the liability of Respondents.

27  
28 <sup>1</sup> The committee's full name as it appears in its statement of organization is "Californians Against the Costly Recall of the Governor: Coalition of Firefighters, Workers, Educators, Bus, Bus Leaders, CA Dem Party, Entertainment Bus, Dem Governors, Governor Gray Davis Committee."

1 Respondents understand and hereby knowingly and voluntarily waive any and all procedural  
2 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1  
3 through 18361.9 of title 2 of the California Code of Regulations. This includes, but is not limited to, the  
4 right to personally appear at any administrative hearing held in this matter, to be represented by an  
5 attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the  
6 hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law  
7 judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

8 Respondents further stipulate and agree that Respondents Joseph Graham Davis, Jr., Californians  
9 Against the Costly Recall of the Governor et al., J. Ari Swiller, and Stephen J. Kaufman violated the  
10 Political Reform Act by failing to properly disclose accrued expenses, in violation of Section 84211,  
11 subdivisions (i) and (k) of the Government Code and California Code of Regulations, title 2, section  
12 18421.6 (1 count), by failing to timely disclose a late contribution made, in violation of Section 84203,  
13 subdivisions (a) and (b) of the Government Code (1 count), and failing to maintain required records of  
14 some notices to contributors of \$5,000 or more, in violation of Sections 84104 and 84105 of the  
15 Government Code and California Code of Regulations, title 2, section 18427.1, subdivision (c) (1  
16 count), as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference, as though  
17 fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

18 Respondents agree to the issuance of the decision and order, which is attached hereto.  
19 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount  
20 of Four Thousand Nine Hundred Fifty Dollars (\$4,950). A cashier's check from Respondents in said  
21 amount, made payable to the "General Fund of the State of California," is submitted with this stipulation  
22 as full payment of the administrative penalty, and shall be held by the State of California until the  
23 Commission issues its decision and order regarding this matter. The parties agree that in the event the  
24 Commission refuses to accept this stipulation, it shall become null and void, and within fifteen (15)  
25 business days after the Commission meeting at which the stipulation is rejected, all payments tendered  
26 by Respondents in connection with this stipulation shall be reimbursed to Respondents. Respondents  
27 further stipulate and agree that in the event the Commission rejects the stipulation, and a full evidentiary  
28

1 hearing before the Commission becomes necessary, neither any member of the Commission, nor the  
2 Executive Director, shall be disqualified because of prior consideration of this stipulation.

3  
4 Dated: \_\_\_\_\_

\_\_\_\_\_  
Roman G. Porter  
Executive Director  
Fair Political Practices Commission

7  
8 Dated: \_\_\_\_\_

\_\_\_\_\_  
Joseph Graham Davis, Jr., Respondent

9  
10 Dated: \_\_\_\_\_

\_\_\_\_\_  
J. Ari Swiller, Respondent, individually and on behalf of  
Californians Against the Costly Recall of the Governor et  
al., Respondent

13  
14 Dated: \_\_\_\_\_

\_\_\_\_\_  
Stephen J. Kaufman, Respondent, individually and on  
behalf of Californians Against the Costly Recall of the  
Governor et al., Respondent

17  
18 **DECISION AND ORDER**

19 The foregoing stipulation of the parties “In the Matter of Joseph Graham Davis, Jr., Californians  
20 Against the Costly Recall of the Governor et al., J. Ari Swiller, and Stephen J. Kaufman; FPPC No.  
21 05/366,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair  
22 Political Practices Commission, effective upon execution below by the Chairman.

23 IT IS SO ORDERED.

24  
25 Dated: \_\_\_\_\_

\_\_\_\_\_  
Ross Johnson, Chairman  
Fair Political Practices Commission